

PROCEEDINGS
OF THE
STATE RIGHTS MEETING

HELD AT

The Town of Hamilton, Harris County, Georgia,

ON THE 17TH MAY, 1834.

TOGETHER WITH THE CONSTITUTION OF THE

State Rights Association of Harris County,

AND

An Address

Upon the Rights and Sovereignty of the States,

BY M. J. WELLBORN, ESQ.

COLUMBUS, GA.

Printed for the Harris County Association

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1834.

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READER--This Pamphlet is presented to you, not boastingly, but in a spirit of sincere kindness, as containing our principles. We have been at the expense of publishing it--all we ask of you, is to read it with unprejudiced candour ; and if our principles are correct, adopt them--if they are false, controvert them, and show us the truth, and we will embrace it.

Rec. Sec'y.

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STATE RIGHTS MEETING.

Agreeably to a recommendation of the Central Committee of the Georgia State Rights Association, a number of the citizens of Harris county assembled at the Court House in Hamilton, on the 17th day of May, 1834, and resolved to organize a State Rights Association in said county, on the 11th of July. John J. Harper, Esq. being called to the Chair, and Maj. M. Robertson appointed Secretary, Marshal J. Welborn, (Chairman of a committee appointed for that purpose) submitted the following Preamble, Resolutions and Constitution; which were adopted.

PREAMBLE AND RESOLUTIONS:

It has been justly remarked, that man is constituted a social being. He is by the force of his nature, unfit for solitude. All the qualities and affections which characterise him look to associations: Yet, such are the diversity of human opinions, such the discrepancy of individual dispositions, and such the variety of particular interests, that Government must necessarily result from the formation of civil society, as essential to its security and the protection of its good order. Laws are based upon the weaknesses and infirmities of our nature, and are adopted for their restraint and regulation. The happiest condition of man then, is to be found in a state of organized society, with written laws for his government, wisely accommodated to his nature, and well administered. Various forms of government have been tried and still exist, from the most absolute and unmixed monarchies to the mild democracy. All have had their advocates, and each has been supposed to possess some excellency peculiar to itself. The unity of purpose, the strength and dispatch of despots has been praised—the wisdom, dignity and discretion of aristocracies has been admired too in turn. They are both more or less irrespective of the popular will, irresponsible to its voice, proceed upon man's supposed incapability of self government, and regard him as qualified only for servitude.

They are the peculiar and appropriate growth of the darker ages of the world. The mild and gentle form of Republics is based upon broader and more liberal views of man's nature and moral capability. They attribute to him a discriminating sense of self interest as involved in a wholesome system of Government, and moral courage to achieve that interest—under its theory withal, the sovereign power resides in the body of the people, in contradistinction to those more despotic, which attribute sovereignty to the government itself. After this brief analysis of the nature of Government and their orders, it need not be here repeated that the Republican form has recommended itself to the enlightened understanding of the American people, as the ~~one~~ best suited to the spirit of our people and most conducive to our happy-

ness. But the business of Government cannot be carried on to any available extent by the body of the people in their aggregate character. To this end Agents are appointed by the people and a commission given them. The powers of Government are thus distributed among different departments and deposited in the hands of various Agents, each having limited and defined duties to perform, an appropriate sphere of its own to move in, and all amenable to the people, the source and origin of all political power. If the commission be faithfully executed, the work is valid---if the Agent transcends his authority, the principal is not bound. The obligation of all laws however is an interference with the natural freedom of individuals, and is not meritorious, nor indeed excusable, except so far as they may be the means of augmenting the general amount of happiness. But furthermore, it is essential to salutary legislation, that the laws passed be uniform in their operation, equally obligatory upon all, and promotive of the interests of the whole society, otherwise particular hardships are inflicted, and the objects of good Government correspondingly defeated. Each individual, all the interests and minutest affairs of society, may be brought within the range of Governmental regard.

Some limitation to the territorial range then, of Governmental action, where an uniform code of laws is to operate throughout, may be valuable in preserving a proper degree of intimacy and dependence between the citizen and his representative, a familiar acquaintance with the matter of Government, upon the part of those who may be appointed to administer it, and a desirable similarity of interest, so as to facilitate and make practicable the equity, equality and yet uniformity of the laws. The chartered limits of the several States of our confederacy, are believed to be convenient territorial limitations in view of the objects of salutary legislation. And to them separately, we may add, has been committed the high and exalted duty of carrying on the business of the free people, embraced within their respective limits, in reference to the great mass of subjects, and particularly those of a domestic nature and such as chiefly concern their happiness.

Nevertheless, for some purposes of a general and external character, looking to our relations with foreign powers, the union of these States upon the plan of a confederacy, is of incalculable value, as a means of securing us consideration and respectability abroad, increased strength and an advantageous arrangement of our commercial and other foreign relations. With this view and for these purposes was the union of the several States of the American confederacy formed. The General Government then is the medium of Association adopted by the States. An agency clothed by them with limited powers and referring to few and simple objects of exterior concern. Regarded and administered in its true character, it is a simple, plain and efficacious machine. Like other governments of limited powers it is bound by the terms of its Grant. Its acts when valid are valid for no other reason than because they are done under, by virtue of, and in conformity to the Grants of power to which it owes its being. When irrespective of these grants of power they are void. Mr. Jefferson says, "That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government," but that by compact, under the style and title of a constitution for the United States and of amendments thereto, they constituted a General Government for special purposes, delegated to that government certain definite powers, reserving each State to itself, the residuary mass of right to their own self government, and that whenever the General Government assumes undelegated powers, its acts are unauthorized, void

and of no force ; that to this compact each State acceded as a State, and is an integral party---that this Government, created by this compact, was not made the exclusive or final Judge of the extent of the powers delegated to itself ; since that would have made its discretion, and not the constitution, the measure of its powers ; but that, as in all other cases of compact, among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress." In the convention that framed the present Constitution two parties were conspicuous. One of them was in favor of enlarged powers and a still stronger form of the General Government. They advocated the policy of obliterating the State boundaries, so far as those boundaries serve to ascertain and represent the existence of the several States as distinct political societies, the making of them subordinate to the General Government and the conversion of the old Articles of Confederation, which they had been appointed to revise and amend, into a complete scheme of national Government. In other words, the destruction of the confederacy of States, and the erection upon its ruins of a consolidated central Government. They were the Federal Party. The other party were in favor of confining themselves to the object for which they had convened—that was, to revise and amend the articles of confederation which was the ligature that had bound the States together up to that period. And although the amendment made was, among other things, the formation of a more intimate union, yet this was effected not by the destruction of the States, or by any alteration that was made in the character of the contracting parties to the Constitution, but by increasing the points of their contract. And to this point we have referred among other things to the authority of Mr. Jefferson, who says as above quoted, "that the Constitution is a compact ;" and "that to this compact each State acceded as a State, as an integral party." They were the republican party, the friends of State Rights, and in that they triumphed.

The General Government then, or to speak more definitely, the Constitution of the United States, is a compact between the several States, and to that compact each State acceded as a State and as an integral Party. Hence, we have not a national Government, but a confederacy of States ; and, in lieu of an amalgamation of all the people of all the States into one consolidated and central Government, *we have the Federal Union.* The natural propensities of the new Constitution, or rather the Federal Government, to consolidation, was predicted by many of the ablest expounders and defenders of the rights of the States and of the liberties of the people, (and among others, were Samuel Adams, Jefferson and Henry,) at an early period of its history. And we have seen the justness of their apprehensions, amply illustrated by the career of its administration—certain claims of a general character, contained in our Constitution, which we have always conceived are to be construed in reference to the specific grants of power, have been seized by the Federal party, claimed as conferring upon the Federal legislature powers, limited not by the specific grants of power, contained in the Constitution, but their own discretion as to what does, or does not constitute the "general welfare" of the country. Furthermore, by contending for the subordination of the States to the Federal Government, and their obligation to obey all acts of the Federal Government, whether made in pursuance of the Constitution or not, by depriving the States of the right to judge as parties to the compact, whether it has been pursued or violated, they have effectually rendered it in practice what they failed to make it in theory, a government without limitations of power. If

we could suppose limitations upon the powers of the General Government, yet without some right of judging whether these limitations have been observed or exceeded, and when transcended, some checking power in the co-ordinate departments, to wit: the State Governments, it is easily perceived that all idea of a government in practice of limited powers is simple mockery.—The Alien and Sedition Laws, the various attempts by the Federal Judiciary to reign up the sovereign members of this confederacy before its bar, and to construe and restrain their action upon the subjects embraced within their own territory and chartered limits—the restraint of trade and the perversion of its proceeds from the pockets of its producers and rightful owners, into other, and favored sections of country—the dissipation of the public funds in a partial system of internal improvements, and all this without grant of power, but by force of latitudinous construction, are living and strong illustrations of the monopolizing tendency of the Federal Government, and of its propensity to assume improper powers. Withal in the latest expositions we have of its nature and character by those now in its administration, we have it distinctly placed upon the basis always desired by the Federal party. In denying that the States ever had a separate existence—that we are parts of the same nation; that the representatives of the several States in the Federal Legislature are not responsible to the several States; that the States are subordinate to the General Government, and are bound by its acts without reference to limitations upon the powers of that Government—it is to all practical purposes a government, the only limitation to which is the discretion of those who administer it.

1st. *Resolved*, therefore, That entertaining these views and opinions of the nature of our Government, and the relations occupied by each of its members to the other, we will as a State Rights Association for the county of Harris, co-operate with similar Associations, within our own State and elsewhere, to restore the Government to its proper orbit, and restrain all attempts to transcend the limitations prescribed to it in the constitution.

2d. *Resolved*; That we adopt as our faith, and recognise as the basis of the Federal Government, the Kentucky and Virginia Resolutions of 1798 and '99, as set forth and understood by Mr. Jefferson, and expounded in the report that accompanied them.

3d. *Resolved*, That the course pursued by the President and a majority in Congress, since the memorable 10th of December 1832, requires of the friends of State Rights, an increased zeal and renewed exertions, to protect and preserve them.

CONSTITUTION:

Whereas, the State Rights Party of Georgia have ever been tenacious of our Union, upon the terms that brought it into existence, and have ever esteemed the preservation of the distinction between our confederacy of States, and a consolidated Government, without limitation of powers, as of vital importance to the purity of our Government, and the safe and faithful administration of the few and simple objects confided to its care. And whereas, they believe that the Federal Government has at various times betrayed a tendency, to aggress upon the rights and powers properly belonging to the State Governments. And whereas, they have ever been the uncompromising opposers of the innovations that have been attempted by any, and all of the departments of the Federal Government; to the end therefore, that they more ef-

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ctually discharge this exalted duty of patriotism, and withal bring about that harmony of opinion and concert of action among those who are the advocates of the rights of the States, which is indispensable to their success, we do agree to establish a State Rights Association for the county of Harris, auxiliary to the lately established State Rights Association of Georgia, and to adopt the following constitution for its Government:

Article 1. The officers of the State Rights Association for the county of Harris, shall be a President, three Vice-Presidents, a Recording Secretary and a Corresponding Secretary and Treasurer—to be elected annually on the second Friday in July, at a regular stated meeting thereof, by a majority of the members present, being a majority of the Association. The officers elect shall continue in office until their successors are chosen.

Article 2. The President shall preside at all regular meetings, shall fill all vacancies by appointments, to continue until the next regular meeting—shall appoint all committees, unless otherwise provided. In the absence of the President his duties shall devolve upon a Vice-President.

Article 3. The Recording Secretary shall keep a book, in which he shall register the proceedings of the Association.

Article 4. The corresponding Secretary shall receive and answer all communications addressed to the Association, and shall preserve a file for the inspection of the members of the Association, of all communications received, and answers returned.

Article 5. The Treasurer shall have a book in which he shall keep an account of the funds of the society, and defray the expenses of the Association as they shall direct.

Article 6. The first meeting of the Society shall be on the second Friday in July—the next, on the second Friday in September—and regular meetings of the Association shall be held on the second Friday in every third month thereafter. Adjourned meetings shall be held at the discretion of the Association. Special meetings may be called by the President, upon the written request of ten members.

Article 7. By-laws for the government of the Association, and such other measures as may be esteemed proper by the Association, and not herein specified, may be adopted at regular meetings.

Article 8. Amendments to the Constitution can only be proposed at a regular meeting—and can only be adopted by a vote of two thirds of the members present at the next regular meeting.

In support of these Resolutions, Mr. Welborn delivered the following

ADDRESS:

Mr. CHAIRMAN.—I cannot in justice to my own feelings and what I conceive to be the claims of this occasion, submit the Constitution, Preamble and Resolutions of our contemplated Association, to the sense of this meeting, without a few remarks as to the motives which have convened us together, and the object of our mutual consultation here, and at this time. And strange as it may seem to one, even the slightest observer of the very respectable, peaceful and imposing character of this assemblage, it may not be altogether unimportant to us, in view of the posture of public opinion upon the subject and the nature of the events that have made up the history of our Government for the last few years, to pause, reflect and enquire, why, and for what are we here?

I hear it talked of familiarly in the private circles of society; I see it blazoned forth in some of the public prints of the day, that a portion of the American people, tired of the principles of virtuous liberty, and drunk with the spirit of political licentiousness, are now madly bent upon the disorganization of society and the destruction of the fair form of our free Government. Within that description of persons too, are embraced alike perhaps a majority of those whom I now see around me, and him who has the honor to address you. Do not understand me, Mr. Chairman, as desiring to make an offensive appeal to the party spirit which has so long and so unhappily divided and distracted our own State, or to provoke a sensation of an unpleasant character in any quarter whatever, but simply in defence of our motives, to repel an insult so often, so falsely and so foully offered us. A desire, I repeat it, upon the part of those of our fellow-citizens whom a sense of duty and of devotion to our country's cause has this day collected together, and whose intelligence and patriotism I am proud to honor, to-impair the spirit of freedom and to destroy its forms? and for what? And are we indeed but a lawless mob of factious and disappointed demagogues, who, defeated of the objects of an unworthy ambition by the successful claims of superior merit, have now turned the weapons of our warfare against the bosom of society, and are seeking to unsettle the foundations of our political institutions, that we may profit perchance, by the *confusion* which we may create? Are we but the heartless hypocrites that forever haunt the door of the public Treasury; with the perpetual cry of, "an enemy in the camp," that we may withal in the birth of some dislodged incumbent fold our filthy coils and nestle in the warm bed of the people's money? Or do I rather behold on every side the independent and the virtuous free. Sir, without an improper show of vanity upon this occasion, we might appeal to the history of the past, as well as to the character of this collection of our fellow-citizens, to vindicate our motives and conduct against so grave a charge. We ask for the parts acted in the times of our early trial by our Fathers, from whom we claim an honorable if not an exalted descent, and by many in person of those whose gray heads have fallen under the severe rebuke of rebellion against the laws of the country, and of treason to her cause. Were they, Mr. Chairman, of those who in that memorable contention for liberty and the rights of the people which determined our independence, meanly crawled to the foot of the Throne, gazed in unmeaning adoration upon the empty splendors of the crown, and in the servile spirit of political idolatry cried out "*long live the King*," or were they of those who in the midst of doubt and of dismay, manfully spoke out the misrule of Royalty, and boldly wrote the doctrines of Liberty upon the breastplate of the warrior? Were they of those who, when the trained soldiery of an infatuated Foreign Potentate were poured upon the peaceful plains of our forefathers, basely betrayed the allegiance due to their own soil, rushed into the ranks of the proud oppressors, and fought against freedom and their own firesides? Or were they rather of those, who, when all seemed fearful and forbidding, and the darkness of despotism hung in heavy folds over the hopes of patriotism, still tugged at the oar of freedom, and fought their way through the storm and the tempest into the sunshine of liberty and independence. Let the history of the times give the answer. Still later scenes too, that have marked the progress of our Government, equally prove the devotion of the State Rights man to the great and essential principles of liberty. But fellow-citizens, we are deceived—misled. We are *not* then traitors at heart, but deluded dupes. This is charitable—we should be

thankful for the salvation of our souls at any sacrifice of our dignity, however disgraceful, or at any expense of our understanding, however humiliating. Any thing, Mr. Chairman, sooner than the blood of rebellion or the guilt of treason.

For the opinions, motives, and feelings of that large and liberal portion of our political opponents who, entertaining views different from our own on some subjects, still give us credit for equal correctness of intentions with themselves, I entertain the highest regard: and upon this occasion I am particularly ambitious of giving offence to no one. And yet I must be permitted to remark, that I have heard the charge of ignorance and delusion which, when applied to the State Rights Party of Georgia and elsewhere, came from the mouths of some from whom I have thought it should not come.

But, Mr. Chairman, the object, the end and aim of our association. It is then sir, if I am so fortunate as to understand it, to inform ourselves and enlighten the public mind in reference to certain matters of great and growing concern to us all---To throw sir, the light of political intelligence over the land---to provoke enquiry---to arouse the people to an investigation of the true character of our Government---to study the history of its administration---to infuse into each heart an increased, and what is better, a discriminating zeal for our country's cause, and a patriotic devotion to her honor. It is sir, in short, to warn the people against the dangers and disadvantages of a great Central Government, uncontrolled, and from its nature uncontrollable, and by contrasting the National system of Government with our Federal Republic, to enforce upon them a livelier sense of the importance of preserving and protecting the rights of the States, which are indeed but another name for the Rights of the people. And finally, Mr. Chairman, by embodying the energies of the advocates of those rights, to give increased effect to their exertions, and make them the means of extended usefulness. And how sir, do we propose to accomplish this exalted duty of patriotism? Is it by withdrawing the supplies of public information, to diminish the amount of general intelligence? Is it by putting out the lights of the Constitution, to involve ourselves in the darkness of error, and by combinations against the laws, to draw down upon our heads the guilt of crime? Sir, as has been just remarked, the very reverse of all this is true. Recent events, Mr. Chairman, in the history of our Government, have brought afresh to the recollection of the State Rights man, the importance of those principles that have ever been his boast and pride, and that have hitherto constituted his creed. We are indeed warned again, that "the price of Liberty is eternal vigilance."

A recurrence to an early period of the government, and a brief review of some of its leading events may not be uninstructive to us here. The jealousy and distrust of our present constitution, or rather of the Government created by it, exhibited by many of the most zealous and enlightened friends of Freedom and of Free Government, while the question of its adoption and ratification by the States was under discussion, are matters of plain history. Among them not the least conspicuous were that illustrious Apostle of liberal principles, Jefferson, who drew the Declaration of Independence, and that lion-hearted lover of liberty, Patrick Henry, who first advocated that bold measure. The natural proclivity of the Federal Government to consolidation was thus early perceived and pointed out by those who, as they had been the first to strike for liberty, were also the most watchful to preserve it. But the voice that then proclaimed the dangers that lie in our path is now lost upon the corrupted dependants of office and the vile vassals of power. In the short space of ten

years, however, the apprehensions that had been uttered in anxiety were but too truly verified; and the Federal Party, always clamorous for power, but who had been defeated in the Federal Convention that framed the Constitution, were found to have risen like the phoenix from its ashes, with increased strength. Then come the Alien and Sedition laws, which have been characterized by every variety of abuse which the popular indignation has been able to suggest and apply to them, with one offensive measure after another, until the intrepid & fearless founder of our faith stepped forth upon the broad basis of truth, the bold expounder of the just character of our constitution, the manly opposer of the monopolizing march of the Federal Government, and the unflinching defender of the rights of the States and of the people. His able manifesto of the true theory of our Government will not be misunderstood for any thing else than the celebrated Kentucky and Virginia Resolutions of 1798 and 1799, which have since that interesting crisis of our affairs stood the confessed creed and rallying point of the Republican Party of the country. But how Mr. Chairman, did this able and orthodox expression of the rights of the States and of their relation to each other under the new compact of their Union, strike upon the proud incumbents of office and the vile sycophants that forever revolve around the centre of power? The quaint cry of disunion! rebellion! treason! fall upon the startled ear, waft upon every breeze, and swell the air. The people however take hold of the frightful and extravagant dogmas of the old whig, look cautiously into their true character and tendency, and comparing the manly proportions of Liberty with the antiquated forms of Federalism, turn upon the usurpers of the people's rights, lash out the money changers from the temple of liberty, and proudly place him who had been disunionist—rebel—traitor—at the head of that Government which he had rescued and restored. True, some flashes of fire from the expiring lamp of Federalism flitted across the path of the old Patriot, and some rude scenes chequer the career of his administration; but the confidence of the people increased with their experience of his integrity, and he has left in his life and history the admitted standard of republican faith and political orthodoxy.

Things thus go on smoothly for a time; but again comes war—a war for the rights of trade and the honor of the country. And where do you find the two parties that had thus early built up the partition wall that has ever divided our country, and still imprints upon the pages of its history the marks and traces of party violence. The Republican Party, true to their lofty sense of liberty, array themselves in the cause of the country, vindicate her honor, and the rights of the people—the other and Federal Party betray her banner in the hour of need, and court her defeat and disgrace. But the war is closed in recognition of the cause and claims of our Government. In the mean time a dense population, inferior agricultural resources, and the interruptions of our trade by the late war had laid the foundation of American Manufactories in a given section of our country—these young, and as yet feeble institutions, present themselves under circumstances constituting a forcible appeal to the liberality of the American people. Many even of those who have since suffered so much from the protective system to which they give rise, were inclined to regard them with indulgence, and the South herself, true to the generous impulse of her nature, with some doubt and division of sentiment, contributed to a slight endowment of them, and voted to their encouragement a portion of an admitted gratuity. They, however, assume firmer footing and take on stronger forms. Friends flock in to share their prosperity, and numbers increase, until, confident of strength, they turn upon those who had been their gener-

ous benefactors, unkindly quote concessions of charity as precedents of right, and demand as of justice that which they had asked and accepted as of bounty. Let it be borne in mind withal, that the state of our finances at the close of the war was low and depressed; and increased revenue required to be raised to answer the exigency of a heavy public debt. So that in the accomplishment of a confessedly constitutional and necessary object, incidental protection could be afforded the infantile manufacturing establishments which, as before remarked, were on various accounts regarded with indulgence. But to proceed—call after call is made for *protection*, as it is termed, and as repeatedly gratified by a compliant and actually increasing majority in Congress. The South complains. The manufacturer, however, true to his trade, still hangs on with all the greediness of the vampire to the withering veins of the agricultural South. The mask is now thrown off, and in the language of Mr. Jefferson, the Federal Legislature “under the grant given to regulate commerce, assumes the power over agriculture and manufactures and calls it *regulation*, too, to take the earnings of one of these branches of industry, and that the most depressed, and put it into the pockets of another, the most flourishing of all.” And what sir, do we find in the condition of the country calling for this enormous and extravagant tour of taxation. Are its energies withering beneath the blighting influence of an oppressive public burden? Sir, at the very time that the duties upon the various articles of our commerce were arranged with reference to actual speculation, and upon some of them to absolute prohibition, we presented the rare and extraordinary spectacle of a heavy population, extensive trade, and vast resources, substantially without a public debt. But let us follow up the proceeds of our labor, which were thus diverted from their natural and most profitable channels by the strong arm of legislation, and mark their application. Were they directed to the extinguishment of our common debt? To borrow the language of Mr. Jefferson again, “under the power to establish post roads, they (the Federal Legislature) claim also the power of cutting down mountains, for the construction of roads, of digging canals, and aided by a little sophistry on the words “general welfare,” a right to do, not only the acts (to effect that) which are specifically enumerated or permitted; but whatsoever they *shall think or pretend* will be for the general welfare. Concurrently with, and of kin to the protective system then, we find a partial, expensive and splendid scheme of Internal Improvements set on foot, which served ingeniously to drain the public Treasury of the continual accumulations that flowed into it from the other. By their conjoint operation, one portion of our country was made the vassal tributary to another, and the vaults of the public Treasury were but the great thoroughfare through which the produce of the agricultural States was forced into other and remote regions of our confederacy. Against these repeated and cumulative acts of invasion upon the rights of the South, and the most obvious principles of natural justice, the various expedients of Legislative Resolves, Protests, Free Trade Conventions, &c. were successively tried, and successively failed, until a sister State, exposed to an oppressive point of the operation of the obnoxious policy, and impelled forward by a natural ardor of temperament, threw down the gauntlet of defiance against the further enforcement of a protective Tariff within her limits, and boldly planted the barriers of State interposition upon the borders of her territory.

An investigation of the correctness or incorrectness of Carolina’s entire construction of the Resolutions of ’98 and ’99; the propriety or impropriety of her resort to an extreme remedy as regulated by a proper respect for the views

of other States having a common cause with herself—the aspect of public opinion throughout the confederacy—and the probability or improbability of a conflict with the authorities of the General Government, would require means, were I otherwise capable of doing justice to so grave a subject, not now at my disposal—time which a proper respect for the rights of others present on this occasion will not permit me to consume, and withhold much more of strength than I now possess. Instructive and interesting too as might be the enquiry, it would have but a remote bearing upon the immediate objects that lie before us.

We propose however to bestow some reflection upon the extraordinary procedure of our Chief Magistrate and a majority of the federal legislature towards a sovereign member of the confederacy, acting in her highest political capacity, a primal convention of her people, in the construction of a “compact” to which “she acceded as a state, and as an integral party;” among the parties to which there is no common judge,” and in the construction of which therefore, “each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.” A member of our confederacy too, who together with the whole South, had by the offensive measure suffered much and suffered long, of whose attachment to the honour of the country, to say the least of it, up to the time of her ordinance nothing disrespectful could be said, and whose determination to resist the aggression had been often, repeatedly, and prospectively proclaimed. And as the foundation of the measure adopted to effect her subjugation to the Federal Government, the Executive proclamation of the 10th of December, 1832, uttered for the first time from the lips of him who had been the hope of the Democracy of the country, the strongest and most unqualified denunciations of the doctrines of the Republican Party, for his supposed devotion to which he had been by that very party, aided into the highest office within the gift of a free people. In that truly high-toned Federal paper, the President is pleased to furnish us with his views of the origin and nature of our Government, and of the relations occupied by the Federal and State Governments, the one to the other—and as a matter of curious as well as instructive enquiry, we shall proceed to compare some of its articles with the Kentucky and Virginia Resolutions, adopted as the basis of our faith, and also with the principles previously avowed by himself. To proceed then, the Kentucky Resolutions affirm “that the several States composing the United States of America are not United on the principle of unlimited submission to their General Government, but that by compact under the style and title of a constitution for the United States, and of amendments thereto, they constitute a General Government for special purposes, delegated to that Government certain definite powers, preserving each to itself the residuary mass of right to their own self government, and that whenever the General Government assumes undelegated powers, its acts are unauthorized, void and of no force—and that to this compact each State acceded as a State and as an integral party; that this Government is not made the exclusive or final judge of the extent of its own powers, since that would make its discretion, and not the constitution, the measure of its powers; but that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.” The Virginia Resolutions are to this effect, “That this assembly doth explicitly and peremptorily declare, that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid

than they are authorised by the grants enumerated in that compact, and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the States, who are parties, have the right, and are in duty bound to interpose for arresting the progress of the evil and of maintaining within their respective limits, the authorities, rights and liberties appertaining to them." We have here the following distinct and well defined propositions, viz: that the constitution of the United States is a "*compact*," that it is a compact among the *several States*. That to this compact *each State* acceded as a *State*, and as an *integral party*. That the parties to this compact, to wit, the States, have no common judge—and that therefore in this case, as well as in all others among parties having no common judge, each party, that is, each State, has a right to judge for itself as well of infractions as of the mode and measure of redress. They assert in other words the *separateness* of the States, as political communities, their *severalty* as *parties* to the constitution, which is the compact of their union, their *equality* under that compact, and the consequent right of each to judge for itself of the nature and extent of their compact, and the right also to *act* upon such judgment.

Let us now advert to the sentiments advanced by the President in the outset of his present high official career, and which constituted the basis of his once truly great and acknowledged popularity with the State Rights man, but which he has lately forfeited. To commence then with his *Inaugural Address*, delivered at the time of his instalment into office, he says, "in such measures as I shall be called upon to pursue in regard to the rights of the separate States, I hope to be animated by a proper respect for these sovereign members of our Union, taking care not to confound the powers reserved to themselves with those granted to the confederacy." In his first annual message he says, "the task devolves on me, under a provision of the constitution, to present to you as the *Federal Legislature* of *twenty-four sovereign States*, and twelve millions of happy people, a view of our affairs." And again in the same paper, "I cannot therefore too strongly or too earnestly for my own sense of its importance, warn you against all encroachments upon the legitimate sphere of *State sovereignty*—sustained by its healthful and invigorating influence, the *Federal system* can never fall." In his second annual message he proceeds: "The successful operation of the *Federal system* can only be preserved by confining it to the few and simple, but yet important objects for which it was designed—a different practice, if allowed to progress, would ultimately change the character of this Government, by consolidating into one, the *Federal* and *State Governments*, which were intended to be kept forever distinct." And again "I shall endeavor to avoid a repetition of what has already been urged, the importance of sustaining the *State sovereignties*, so far as is consistent with the rightful action of the *Federal Government*, and of preserving the greatest harmony between them." Again. "If we are prosperous at home and respected abroad, it is because we are free, united, and obedient to the laws—while we continue so, we shall by the blessing of heaven, go on in the happy career we have begun, and which has brought us in the short period of our political existence, from a population of three, to thirteen millions; from thirteen *separate Colonies* to twenty-four *United States*." In his message containing the veto on the *Bank of the United States*, July, 1832, he holds the following language: "nor is our Government to be maintained, or our Union preserved, by invasions of the rights and powers of the several States. In thus attempting to make our *General Government* strong, we may make it weak. Its strength consists in leaving individuals and States as

much as possible to themselves, in making itself felt not in its power but in its protection, not in binding the States more closely to the centre, but leaving them to move unrestricted in their orbit. Experience should teach us wisdom. Most of the difficulties our Government now encounters, and most of the dangers that now impend over our union, have sprung from an abandonment of the legitimate objects of Government by our National Government," &c. In his message of December '32, and only a few days before the date of his Proclamation, he again repeats, among other things, sentiments so often and so properly expressed before—"we should constantly bear in mind the fact, that the considerations which induced the framers of the Constitution to withhold from the General Government the power to regulate the great mass of the business and concerns of the people, have been fully justified by experience." Again, "limited to a general superintending power, to maintain peace at home and abroad, and to prescribe laws on a few subjects of general interest, not calculated to restrain human liberty, but to enforce human rights, the Government will find its strength and its glory in the faithful discharge of these plain and simple duties. Relieved by its protecting shield from the fear of war and the apprehensions of oppression, the free enterprise of our citizens, aided by the *State sovereignties*, will work out improvements and ameliorations which cannot fail to demonstrate that the great truth, that the people can govern themselves, is not only realized in our example, but that it is done by a machinery in government so simple and so economical as not to be felt."

These few extracts will serve to illustrate his former recognition of the doctrines for which we now contend, and which are in perfect harmony with the views taken of our Government, Federal and State, by the Kentucky and Virginia Resolutions. For although it is true that the President had no occasion to express his opinions of the rights and powers of the States, as they refer to the *construction* of the compact of their Union, or in other words the constitution, and the repulsion of all violations of the constitution that might be attempted by the Federal Government, yet he has placed the two departments of our Government, the State and Federal, upon a basis from which those rights and powers, as contended for by us, are necessary and inevitable inferences. Let it be admitted, as he himself has asserted, that the States are "seperate"—that these "seperate States" are "sovereign members of our Union"—that the Federal Legislature is the Legislature of "24 sovereign States"—that the States are "State sovereignties"—that the Federal Government is a Government formed by these "sovereignties" & "limited to a few plain and simple objects"—I say, Mr. Chairman, let these things be admitted—and withal let it be admitted that the form of our union is a "Federal" one—that our General Government, is a "confederacy," and a confederacy too composed of "Twenty four sovereign States," (all of which, as before remarked, has been asserted by him in so many words) and the right of judging by those sovereigns of their compact of union—the terms of their confederacy—yes sir, and of *acting* too upon that judgment, will necessarily attach as *incidental* to and in fact a part of *their sovereignty*. The *seperate* existence of the states, their *sovereignty*, and their *severalty as parties* to the constitution, which forms the Federal Government, are the data upon which Mr. Jefferson and Mr. Madison justified the conclusion asserted in the Kentucky and Virginia Resolutions, viz. that each party had an equal right to judge for itself as well of infractions as of the mode and measure of redress. The President would seem to be conscious of this, from the care with which he proceeds in his Proclamation to deny and disavow the positions formerly

laid down so repeatedly and plainly by himself, as above quoted.

We now refer to his late views of our Government, to enquire whether ~~if~~ not he has been true to his old principles. In his Proclamation so often referred to, in his zeal to suppress the opposition of a sister State to a measure of which he himself had advocated a modification, for the purpose doubtless of setting the error of her conduct in a strong light, and to justify the course adopted towards her expressly under his dictation, and carried out in the Force Bill, he affirms among other extravagant and anti-republican propositions, that the States of which the confederacy is formed had never had a *separate* existence — for that “in our colonial state, although dependent on another power, we early considered ourselves as connected by common interest with each other; leagues were formed for common defence, and before the Declaration of Independence we were known in our aggregate character as the united colonies of America.” We propose now to oppose just here his own words, used on another occasion only a few months before. “While we continue so, we shall by the blessings of Heaven, go on in the happy career we have begun and which has brought us in the short period of our political existence from a population of three to thirteen millions; from thirteen *separate* colonies to twenty four United States.” Again to the same point he proceeds. “We declared ourselves a *nation* by a joint, not by several acts.” Mr. Chairman, we never declared ourselves a *nation* by any act, either joint, or several. We declared ourselves “free and independent *States*.” This declaration, it is true, was made by all the States at the same time, for the simple reason that any one, or less than the whole number, would have been too weak to have achieved liberty. Hence an association of them *all* was formed to accomplish the independence of *each*, and a declaration to that effect was made.

Again, for the purpose of disproving the right of a state to secede from the Union, after having demolished the right of interposition, he follows up the idea, “the *unity* of our political character (as has been shown for another purpose) commenced with its very existence—under the Royal Government we had no *separate* character—our opposition to its oppressions began as *united colonies*. In none of these stages did we consider ourselves in any other light than as forming one *nation*.” Again, “to say that any State may secede at pleasure from the union, is to say that the United States are not a *nation*, because it would be a solecism to contend that any part of a nation might dissolve its connection with the other parts.” I stop now to enquire again for the “*thirteen separate colonies*,” “the twenty four sovereign States”—“the sovereign members of our union”—“the State sovereignties,” of which we have heard so much, and to which he seems in his former communications to have adverted with a studied pride. All lost—submerged—and swallowed up in “the *unity* of a *nation*.” Is it possible that the President cannot distinguish between the *Union of the States* for a few simple objects, in the form of a confederacy, and the conversion of all the people of all the States into one people. “The States severally have not retained their entire sovereignty.” And yet we hear him speak of the “twenty four sovereign States,” and the “state sovereignties,” without reserve or qualification. The state sovereignties too under the compact of the constitution have lost the allegiance of their citizens.—“The allegiance of their citizens was transferred in the first instance to the Government of the United States.” It strikes me, Mr. Chairman, as a most remarkable inversion of the usual order of things, to say the least of it, that the allegiance of the citizens of the sovereign parties to the compact of Union should be transferred from the parties themselves and vest in their compact.—

The members of this confederacy too, with all the boasted sovereignty which has been so often ascribed to them, have no peculiar Representation in Congress. "The Representatives of the Federal Legislature, when chosen, are not the representatives of the particular State from which they come, nor accountable to it for any act done in the performance of its Legislative functions." The States may not judge of the compact of their union, nor pronounce upon the violations of its terms that may be committed. If the acts of the Federal Government be regulated by a proper regard for the limitations imposed upon it by the Constitution, they are valid—if they transcend these limitations they are equally obligatory. The General Government, although in theory, one of limitations, yet being itself the final judge of the extent of its own powers, and the States having no power to check or restrain its action, it is obvious that for all practical and available purposes "its discretion, and not the constitution, is the measure of its powers." However flagrant then may be the assumptions of power upon the part of the Federal Government—however open and obvious may be its intrusions upon the legitimate sphere of the state Governments—should the Federal Legislature even go the extravagant length of imposing a direct tax upon the people of one State altogether greater and beyond that required of the citizens of other States, or set free every slave in our plantations, it is true under the theory of the Government avowed in the Proclamation, we should have no effective means of resistance, no competent remedy. The only alternative left us would be either to submit to the outrage, or by resistance to commit treason against the Government, and subject the heads of our citizens to the block of the executioner.

In short, Mr. Chairman, the States of this confederacy are represented in the distressed and alarming condition of being neither capable of protecting their rights and powers from the usurpations of the General Government, while in the union—nor yet able to extricate themselves from its iron grasp, however ruinous it may prove. The most unqualified *supremacy* of the General over the State Governments is thus broadly and unqualifiedly asserted in the Proclamation and maintained in the Force Bill, which is its bitter but appropriate fruit. Mr. Jefferson was of a different opinion. I hold in my hand a letter written by him to Major Cartwright, precisely in point, dated June 5th 1824, shewing that he saw no occasion to change at the close of his life the opinions he had always expressed and upon which he had ever acted. He proceeds "with respect to our State and Federal Governments. I do not think their relations correctly understood by foreigners. They generally suppose the former *subordinate* to the latter. *But this is not the case.* They are co-ordinate departments of one simple and integral one." Here, then, our President and Mr. J. are at points. The former maintains the subordination of the State Governments to the Federal. The latter affirms their co-ordination. And here Mr. Jefferson in the conclusion of his letter, adverts to a difficulty often urged, and with great plausibility too, to the theory of the Government advanced by him in the Kentucky Resolutions.

The objection is often urged, that if each State acceded to the compact of the Constitution as a state and as an integral party, and there being no common judge, each party has an equal right to judge as well of infractions as of the mode and measure of redress, how are the differences of opinion that must inevitably occur in the construction of the constitution to be reconciled or accommodated? How are conflicts to be avoided? Mr. Jefferson could not be insensible to an embarrassment so obvious. He supposes Mr. Cartwright to raise the enquiry, and adopts the following mode of answering it. "But you

may ask, if the two departments should claim the same subject of power, where is the common umpire to decide ultimately between them?" (A Force Bill, Mr. Chairman?) "In cases of little importance or urgency, the prudence of both parties will keep them aloof from the questionable ground. But if it can neither be avoided nor compromised, *a convention of the States must be called*, to ascribe the doubtful power to that department which they think best." Can any thing be plainer?

And yet Mr. Chairman, the President tells us he is a State Rights man—and the advocates of the Proclamation and Force Bill, tell us too that they are State Rights men. And what is still more remarkable, almost all parties are ambitious of being Jeffersonian Republicans. And sir, it is for the advocacy of such principles as we have attempted in some degree on this occasion to illustrate, as being those that constitute our Faith—it is sir, for opposing the Proclamation which contains, directly in the teeth of the Kentucky and Virginia Resolutions and of the President's own express declarations to the contrary, not only a flat denial of the sovereignty of the States and of every sensible attribute belonging to sovereignty, but even their separate existence as States—which withdraws from the General Government all check and restraint as exercisable by the States over its usurpations, however apparent and oppressive—and which we regard indeed as a plain substitution in **THEORY** of a national system of Government, without limitation of powers, for our simple and Federal Republic—it is sir, by the warfare which we wage against the odious measure that followed in its train; a measure that obliterates in **PRACTICE** the State boundaries—destroys all distinction between the unauthorized resistance of individuals to the Federal Government, and a motion by a sovereign State, a party, an integral party to the compact of the Constitution, acting in her highest political capacity, to arrest within her limits the operation of an act of that Government adjudged by her to be violative of the terms of the compact creating that Government,—and which without an effort at a compromise or peaceful adjustment of the controversy, proceeds to put in keeping the means and resources of the country, to effect the subjugation of a sovereign member of the confederacy to a co-ordinate department of the Government—it is sir, I repeat it, for these things and for the advocacy of the rights of the States, the cause of freedom and free governments, that we are decried by some as disturbers of the good order of society, and by others openly denounced as Traitors. But, Mr. Chairman what of all this? Have not the advocates of Liberty in every country and in every clime been political agitators? Whosoever sir, presumes to draw aside the curtain that covers the false claims of the ambitious will **INTRUDE**.

Animated then by a sense of the correctness of the principles for which we contend, and moved forward by a sincere desire to illustrate truth and to promote the great cause of Liberty and liberal principles, we shall have ample remuneration for the censure we may incur, in the consciousness of the purity of our motives and of having done our duty. Can the unmeaning and false cry of disaffection to our Union, and of designs against its continuance, so often heard from those who are ignorant of the principles we profess, deter us from the exalted purposes of patriotism that lie before us? Upon the terms of its original formation and as a means of preserving liberty at home and giving us respectability abroad, who would not be a Union man? And yet, sir, in view of the doctrines we espouse and the cause we advocate, who would not be a State Rights man? With no motive, no principles and no purposes to conceal, we step forth in the open eye of day and call upon enquiry and il-

lustration to throw their lights upon the path of the political traveller, and invoke the broad blaze of the sun to burn upon the face of truth. We propose then, to appeal by investigation and discussion, to the INTELLIGENCE of the community, and to substitute for a blind devotion to men, without a knowledge of or a reference to just principles, a contention for constitutional Liberty.

The following persons were then chosen Officers of the Association, viz:

JOHN J. HARPER, Esq. President,

MAJ. HARDY CRAWFORD, 1st VICE PRESIDENT,

COL. WM. C. OSBORN, 2d " "

MAJ. JOHN W. COOPER, 3d " "

MAJ. M. ROBERTSON, RECORDING SECRETARY.

JAMES M. ALEXANDER, Esq. COR. SECR'Y.

DOCT. JASON J. THOMPSON, TREASURER.

The President then appointed the following persons to compose a

Corresponding Committee:

DOCT. JOHN HUBBARD OSBORN CROOK, Esq. COL. BEN. HENRY

DOCT. JAMES CATO MAJ. JAMES HUFF COL. JOHN WHITE

COL. THOS. MAHONE M. J. WELBURN, Esq. MAJ. ROBERT HILL.

